

ZONING

TITLE 16
LEGISLATIVE AUTHORIZATIONS AND AMENDMENTS

SUBTITLE 1. DEFINITIONS; SCOPE

§ 16-101. Definitions.

(a) *In general.*

In this title, the following words have the meanings indicated.

(b) *Legislative authorization.*

“Legislative authorization” means any ordinance that approves, authorizes, or amends a prior approval or authorization relating to specific property, including:

- (1) a change in the zoning classification of any property;
- (2) a conditional use; or
- (3) a Planned Unit Development.

(c) *Zoning legislation.*

“Zoning legislation” means:

- (1) any legislative authorization; and
- (2) any amendment to this article.

§ 16-102. Scope of title.

Except as otherwise specified, this title applies to all proposed zoning legislation.

SUBTITLE 2. SPECIAL REQUIREMENTS FOR LEGISLATIVE AUTHORIZATIONS

§ 16-201. Reapplication for previously denied rezoning.

A bill proposing a change in the zoning classification of any property may not be introduced at any time within 12 months after the City Council has denied that same reclassification of the same property on the merits.

§ 16-202. Introductory statement of intent.

(a) Statement required.

On introduction of a bill proposing a legislative authorization, the applicant must submit a written statement that informs the City Council, the agencies to which the proposed ordinance is referred, and the public of the changes sought and intended uses.

(b) Contents.

The statement must contain, at a minimum:

- (1) a summary of all changes sought for the property;
- (2) a description of all intended uses of the property;
- (3) the date the property was purchased and the applicable land record reference;
- (4) a description of any contract that is contingent on the proposed legislative authorization and the names and addresses of the parties to that contract; and
- (5) the identity of all principals for whom the applicant is acting as an agent, including the names of the majority stockholders of any corporation.

§ 16-203. Public notice of introduction.

(a) Posting required.

The applicant for a legislative authorization must post notice of the requested authorization as specified in this section.

(b) Notice to applicant.

When the bill proposing the legislative authorization has been introduced, the Department of Legislative Reference must notify the applicant of the introduction and of the posting requirement.

(c) Where and when to post.

The notice must be posted:

- (1) in a conspicuous place on the property in question,

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(2) for at least 30 days, beginning within 1 week of the notice of introduction.

(d) *Form and contents; fee.*

- (1) The Director of Legislative Reference must prepare and supply the sign on which the notice is to be posted.
- (2) Subject to the approval of the Board of Estimates, the Director may charge a fee for the sign and its installation.

SUBTITLE 3. REFERRALS AND REQUIRED FINDINGS

§ 16-301. Referral to agencies.

On introduction of a bill proposing any zoning legislation, the City Council must refer the bill to the following for their written reports and recommendations:

- (1) the Board;
- (2) the Planning Commission;
- (3) for a bill involving housing for the elderly, the Department of Housing and Community Development; and
- (4) any other agencies that the President of the City Council specifies.

§ 16-302. Agency reports and recommendations.

Within 100 days of the introduction of a bill proposing any zoning legislation, the Board and the Planning Commission must submit their written reports and recommendations, together with their findings of fact and the reasons for their recommendations, to the City Council with a copy to the Zoning Administrator.

§ 16-303. Required considerations — Planned Unit Developments.

For a bill proposing the approval or amended approval of a Planned Unit Development, the Board and Planning Commission must base their recommendations to the Council on the considerations required by Title 9 {“Planned Unit Developments”} of this article.

§ 16-304. Required considerations — conditional uses.

For a bill proposing the approval or amended approval of a conditional use, the Board and Planning Commission must base their recommendations to the Council on the considerations required by Title 14 {“Conditional Uses”} of this article.

§ 16-305. Required considerations — rezonings.

(a) *In general.*

For a bill proposing to change the zoning classification of any property, the Board and Planning Commission must base their recommendations to the Council on the considerations required by this section.

(b) *Change to be in public interest.*

The Board and the Planning Commission may not recommend the adoption of a proposed change in zoning classification unless they find that the adoption of the change is in the public interest and not solely for the interest of the applicant.

(c) *Additional considerations.*

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The Board and the Planning Commission must also consider the following matters:

- (1) existing uses of property within the general area of the property in question;
- (2) the zoning classification of other property within the general area of the property in question;
- (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (4) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

(d) *Recommendation for alternative classification.*

The Board or the Planning Commission may recommend an amendment to change the zoning classification of the property in question to a classification other than the one requested by the applicant.

SUBTITLE 4. COUNCIL ACTION

§ 16-401. Prerequisites for second reading.

(a) In general.

The City Council may not place a bill proposing any zoning legislation on its second reading calendar until:

- (1) except as specified in subsection (b) of this section, it has received written reports and recommendations from the Board and the Planning Commission; and
- (2) the bill has been considered by a committee of the City Council, at a public hearing held in accordance with this subtitle.

(b) Agency failure to report.

- (1) If the Board or the Planning Commission fails to submit its written report and recommendations within the period specified in § 16-302 {"Agency reports and recommendations"} of this title, the City Council may proceed without that report and recommendations.
- (2) However, the applicant may waive this time limit and consent to an extension of the reporting period by giving written notice of the waiver and consent to the President of the City Council, with copies to the Board, the Planning Commission, and the Zoning Administrator.

§ 16-402. Public notice and hearing.

(a) Hearing required.

For a bill proposing any zoning legislation, the committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be read.

(b) Public notice.

At least 15 days' notice of the time, place, and subject of the hearing must be given by each of the following methods, as applicable:

- (1) for all zoning legislation, by publication in a newspaper of general circulation in the City;
- (2) for any legislative authorization, by posting on the property in question; and
- (3) for any change in the boundaries of a zoning district:
 - (i) by posting at a place within the district as the Department of Planning designates;and

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- (ii) by first class mail to the persons who appear on the tax records of the City as owners of the properties subject to the change.

(c) *Responsibility for notice.*

The notices required by this section must be given by and at the expense of:

- (1) in the case of a bill proposing any legislative authorization, the applicant for that authorization; and
- (2) in all other cases, the City Council.

§ 16-403. Amendments.

(a) *Rehearing required.*

- (1) Except as specified in subsection (b) of this section, whenever a bill proposing any zoning legislation is amended after the public hearing, another public hearing must be held on the bill as amended.
- (2) The requirements of this subtitle for notice and for reading of agency reports apply to any additional hearing required by this section.

(b) *Exception.*

An additional hearing is not required for:

- (1) an amendment made in Committee; or
- (2) any amendment that consists only of a change in punctuation, grammar, or spelling and does not in any way alter the substance of the ordinance.

§ 16-404. Third reading hold-over.

(a) *Conditional uses excluded.*

This section does not apply to a bill proposing a legislative authorization if the sole authorization being sought by that bill is for a conditional use.

(b) *Hold-over required.*

After a bill proposing a legislative authorization receives a favorable vote of the City Council on second reading, the bill may not be finally voted on by the City Council until it has been placed on the third reading calendar as a hold-over item for at least 1 regular meeting of the City Council.

§ 16-405. Failure to approve constitutes denial.

A bill proposing a legislative authorization is considered to have failed and the application denied if the City Council fails to act finally on the bill within 12 months from the earlier of:

- (1) the date of receiving the last of the required agency reports and recommendations; or
- (2) the last day of the reporting period, as set in § 16-302 {"Agency reports and recommendations"} of this title or as extended under § 16-401(b) {"Prerequisites for second reading: Agency failure to report"}.